

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**SETTLEMENT CONFERENCE
AND
CASE SCHEDULING AND STATUS ORDER**

V1, a minor child, by and through his
parents and natural guardians, **P1 &**
P2,

Plaintiff,

v.

22-cv-6269-FGP-MJP

Hilton Central School District, et
al.,

Defendants.

V4, a minor child, by and through his
parents and natural guardians, **P5 &**
P6,

Plaintiff,

v.

22-cv-6271-FPG-MJP

Hilton Central School District, et
al.,

Defendants.

V7, a minor child, by and through his
parents and natural guardians, **P9 &**
P10,

Plaintiff,

v.

23-cv-6099-FPG-MJP

Hilton Central School District, et
al.,

Defendants.

COUNSEL IS DIRECTED TO REVIEW THIS ORDER CAREFULLY.

A SETTLEMENT CONFERENCE for the cases stated below in Section I, Paragraph 3 is hereby scheduled for August 23, 2024, at 10 a.m. before the Hon. Mark. W. Pedersen, United States Magistrate Judge. The Court directs counsel to arrive no later than **9:45 a.m.** and to **report to the Jury Room outside of Judge Pedersen's chambers.**¹ Court staff will then direct counsel to their locations. Counsel should plan time to pass through security.

The Court further directs that all communications with the Court, or the Court's staff must reference the "CV" number of the case(s) to which that communication applies. This includes, among other items, settlement demands and confidential settlement submissions. CV numbers are included on PACER (*e.g.*, 23-CV-6000).

I. Settlement conference order

1. **Logistics.** Considering the manner in which the initial round of Settlement Conferences proceeded, the Court grants Plaintiffs request regarding the order of conferences: beginning with V7 *by and through his parents and natural guardians, P9 and P10, followed by V1, by and through his parents and natural guardians, P1 and P2, and then V4, by and through his parents and natural*

¹ The Court's Deputy Clerk may re-direct participants to different locations inside the building to maintain separation of the parties.

guardians, P5 and P6. The Court welcomes the input of the attorneys as to the logistics before the settlement conference and invites counsel to contact Chambers at pedersen@nywd.uscourts.gov.

2. Attendance at Settlement Conference.

Persons with ultimate settlement authority: the Parents (P1-2, P5-6, P9-10) of the minor Plaintiffs and representative(s) of NYSIR, the District's insurance carrier, will be personally present at the settlement conference. The Court notes that Defendant Ashton has waived his appearance at the settlement conference.

3. Attendance of counsel. The Court has communicated with and directs the following attorneys to attend for the below-listed parties.

a. Justin D. Grosz, Esq. will appear in-person and Julianna B.

Walo, Esq., may appear via Zoom² for the following cases:

- i. *V1, a minor child, by and through his parents and natural guardians, P1 and P2 v. Hilton Central School District & Kirk Ashton, No. 22-cv-6269-FPG-MJP;*
- ii. *V4, a minor child, by and through his parents and natural guardians, P5 and P6 v. Hilton Central School District & Kirk Ashton, No. 22-cv-6271-FPG-MJP; and*
- iii. *V7, a minor child, by and through his parents and*

² Ms. Walo is unable to travel due to pregnancy.

natural guardians, P9 and P10 v. Hilton Central

School District & Kirk Ashton, No. 23-cv-6099-FPG-

MJP.

- b. Marc Pakrul will appear in-person and Carmen Rodriguez may appear in-person for Defendant Hilton Central School District.

4. In keeping with Plaintiff's counsel's recent discussion with the Court and considering the prior Settlement Conference, Plaintiffs do not need to reassert their demands, but may do so to facilitate the beginning of discussions.

5. **Records.** Given the extensive written and oral discovery conducted in the last several months, which is ongoing, the parties do not need to circulate additional records for purposes of this Settlement Conference.

6. **Submissions.** Either Plaintiffs or Defendant may prepare and submit an updated confidential settlement submission no later than one week before the conference, should they so desire, however, submissions are not required considering the prior submissions. If the parties elect to make submissions, they should be limited to ten double-spaced pages or fewer per case, made to pedersen@nywd.uscourts.gov, and must include "Hilton Cases – Confidential Settlement Submission" and the CV number(s) (e.g. 23-cv-6000) in the subject line.

7. **If a party chooses to prepare a settlement submission, the settlement submissions shall include the following:**

- a. Description of any liability disputes;
- b. Facts you believe you can prove at trial;


- c. The damages at issue in the case, including the parties' respective demands and offers;
- d. The major weaknesses in *each side's case*, both factual and legal;
- e. The history of settlement negotiations thus far;
- f. The party's settlement position;
- g. The major obstacles to settlement as you perceive it;
- h. Reference to any pending dispositive or other motions that would have a significant effect on settlement for the Court to review before settlement;
- i. Any other special issues that may have a material bearing on settlement discussions (*e.g.*, outstanding liens, contentious litigation history); and
- j. Individuals you plan to bring to the settlement conference (note: this order requires separate submissions on this topic for parties).

II. Warning

8. The undersigned may, on motion or *sua sponte*, impose sanctions where parties willfully ignore or otherwise fail to adhere to this consolidated pretrial order. *See* Fed. R. Civ. P. 16(f).

SO ORDERED.

Dated: August 16, 2024
Rochester, NY


MARK W. PEDERSEN
United States Magistrate Judge